

REMARKS

I. Summary of the Office Action

Claims 75-78, 81-84, and 87-90 were pending in this application.

Claims 75-78, 81-84, and 87-90 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious from Applicants' Admitted Prior Art (hereinafter "AAPA") in view of Lapierre U.S. Patent No. 6,075,550 (hereinafter "Lapierre").

II. Summary of Applicants' Reply

Applicants have added new claims 93-95 to more particularly define the invention. No new matter has been added, and the new claims are fully supported by the originally filed application.

The Examiner's rejections are respectfully traversed.

III. Applicants' Reply

Claims 75-78, 81-84, and 87-90 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious from AAPA in view of Lapierre. This rejection is respectfully traversed.

Applicants' claimed invention, as defined by independent claims 75, 81, and 87, is directed to a method, system, and computer-readable media for using an interactive television program guide (IPG). Program listings are provided to the IPG where at least some of the program listings contain potentially objectionable program listings information. When the program listings are displayed by the IPG, unobjectionable program listings information is displayed in place of the potentially objectionable program listings information, where the unobjectionable program listings information includes a generic unobjectionable title or generic unobjectionable description for that program.

For example, if adult program listings blocking is on and the program guide identifies the Playboy Channel as a channel for which program listings should be blocked, the program guide may replace the regular (potentially objectionable) title for the Playboy Channel program listing with the title "Playboy Programming" (see, e.g., applicants' specification at page 21, ll. 4-11).

The Examiner relies on AAPA to allegedly show an interactive television program guide implemented on user television equipment and means for providing program listings to the interactive television program guide (see Office Action, page 2). The Examiner relies on Lapierre as allegedly showing the remaining features of applicants' claims. In particular, the Examiner contends that "Lapierre discloses in a television receiving the uncensored text data signal through a censor device and having objectionable words removed and may be replaced by X's or spaces. The words not removed then form the censored text data" (Office Action, page 3). Applicants respectfully submit that such a combination would not be made and that, even if the combination were made, the combination would not show or render obvious applicants' claimed invention.

A. It Would Not Have Been Obvious To Modify AAPA With Lapierre In The Manner Suggested By The Examiner

Lapierre refers to a censoring assembly to be used with televisions that removes undesired words and phrases from closed captioning associated with programming viewed on a television (see Lapierre, col. 1, ll. 24-27). A television tuner outputs a signal having a closed caption component signal, which is converted to an uncensored text data signal (see Lapierre, Abstract and col. 2, ll. 45-52). A censor

device then deletes words contained within the uncensored text data signal found in a list of offensive words. *Id.*

Lapierre does not disclose an interactive television program guide or program listings at all. Rather, Lapierre refers to censoring closed caption signals that display the text associated with spoken words at the bottom of a television screen (see Lapierre, col. 1, ll. 16 and 17). The Examiner appears to suggest that it would have been obvious to combine Lapierre's closed caption censoring assembly with a generic interactive television program guide to show the features of applicants' claims. However, one of skill in the art would not combine Lapierre's closed caption censoring assembly with a generic interactive guide because there is no teaching within Lapierre for how to implement such a system within an interactive program guide, at least because Lapierre does not disclose an interactive television program guide, or even program listings, at all. Moreover, there is no teaching to implement such a system in the specific manner claimed by applicants, which requires replacing potentially objectionable program listings information in the program listings with unobjectionable program listings information for the programs using an interactive television program guide.

Further, as the Supreme Court has recognized, "[i]t can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does." *KSR International Co. v. Teleflex Inc.*, 550 U.S. 398, 401 (2007). Regarding this reason, the Federal Circuit has stated that "rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal

conclusion of obviousness." *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006). See also *KSR*, 550 U.S. at 418 (quoting Federal Circuit statement with approval).

The Examiner has identified no such reason. Instead, the Examiner offers only a conclusory statement of desirable results, which would not lead one of skill in the art to make the combination in the first place. Generally, the Examiner states that the references would be combined by a person of ordinary skill in the art because the combination produces an advantage, but the Examiner has given no reason why one of skill in the art would make the combination (and thereby gain the advantage) without the benefit of applicants' specification as a roadmap, which is impermissible hindsight.

The Examiner alleges that the a person of ordinary skill in the art would have had "good reason to pursue the known options of replacing the objectionable program listings information with a generic unobjectionable title or generic unobjectionable description" (Office Action, page 3). The Examiner appears to suggest that the "good reason" for combining AAPA and Lapierre is that "[i]t would require no more than 'ordinary skill and common sense' to remove or replace . . . offensive words so a more generic and unobjectionable title or description can be achieved." *Id.*

In making the assertion that combining AAPA's generic interactive television program guide with Lapierre's closed caption censoring assembly would have the above-identified results, the Examiner is relying solely on his own subjective opinion as to the advantage of the combination. The Examiner has provided no objective evidence in the art that would have led one of skill in the art to combine AAPA with Lapierre prior to applicants' claimed invention. Nor could the Examiner.

Lapierre does not refer to an interactive television guide at all, let alone a "common sense" way of modifying such a guide with Lapierre's closed caption censoring assembly in the manner suggested by the Examiner. Moreover, AAPA's generic interactive television program guide does not provide sufficient details to enable such a modification to be made. The Examiner relies on AAPA to show generally that an interactive television program guide may display program listings, without providing any details of how such an interactive television program guide works.

Accordingly, applicants submit that the Examiner has simply taken applicants' own disclosure as a blueprint for combining AAPA and Lapierre, thereby demonstrating mere hindsight reconstruction, which is the very syndrome that the requirement for objective evidence is designed to combat. See *In re Dembiczak*, 50 USPQ2d 1614 (Fed. Cir. 1999), abrogated on other grounds by *In re Gartside*, 53 USPQ2d 1769 (Fed. Cir. 2000).

B. The Combination Of AAPA And Lapierre Would Not Show Or Render Obvious Each and Every Limitation of Applicants' Claims

Even if it were obvious to modify AAPA in the manner suggested by the Examiner, and applicants maintain that it would not be obvious, the combination would still fail to show or render obvious each and every feature of applicants' claims. In particular, Lapierre does not show or render obvious replacing potentially objectionable program listings information with unobjectionable program listings information, as required by applicants' claims.

According to Lapierre, "[t]he censored text data signal is a subset of the text data signal, having

objectionable words removed. The objectionable words may be replaced by X's or spaces" (col. 3, ll. 35-38). The words that are not removed form the censored text data signal. See *id.* In contrast, applicants' claims require replacing potentially objectionable program listings information with unobjectionable program listings information, not merely deleting or removing words in an original uncensored text data signal and then displaying that original text with the words removed.

The Examiner appears to suggest that replacing offensive words with an "X," or spaces, meets the limitations of applicants' claims. Applicants respectfully disagree.

Applicants' claims require actually replacing the potentially objectionable program listings information with unobjectionable program listings information. In other words, new program listings information (i.e., the unobjectionable program listings information) is provided rather than merely editing the original potentially objectionable program listings information by deleting words. Editing the original uncensored text data signal by inserting an "X" or spaces within the original uncensored text data signal is not the same as replacing potentially objectionable program listings information with unobjectionable program listings information.

Accordingly, Lapierre does not show or render obvious replacing potentially objectionable program listings information with unobjectionable program listings information, as required by applicants' claims. Thus, the combination of AAPA and Lapierre would not show or render obvious each and every feature of applicants' claims.

D. Conclusion

For at least the foregoing reasons applicants respectfully submit that independent claims 75, 81, and 87, and

by extension their dependent claims 76-78, 82-84, 88-90, and 93-95 are patentable.

IV. New Claims

Claims 93-95 have been added in order to more particularly define the claimed invention. Claims 93-95 depend variously from patentable claims 75, 81, and 87 and therefore are also patentable. Moreover, claims 93-95 are also patentable for the additional independent reasons set forth below.

Dependent claims 93-95 further specify that the potentially objectionable program listings information and the unobjectionable program listings information are received from a remote facility. As discussed above, Lapierre's television tuner outputs a signal having a closed caption component signal, which is converted to an uncensored text data signal (see Lapierre, Abstract and col. 2, ll. 45-52). A censor device then deletes words contained within the uncensored text data signal found in a list of offensive words. *Id.* Thus, Lapierre's censored text data signal is merely a subset of the original text data signal, having objectionable words removed (col. 3, ll. 35-38, emphasis added). In contrast, applicants' dependent claims 93-95 require receiving both the potentially objectionable program listings information and the unobjectionable program listings information from a remote facility. Accordingly, Lapierre does not show or render obvious each and every feature of applicants' claims 93-95.

For at least this additional independent reason, applicants respectfully submit that dependent claims 93-95 are patentable.

V. Conclusion

For the reasons stated above, applicants respectfully submit that this application, as amended, is in condition for allowance. Reconsideration and prompt allowance of this application are accordingly respectfully requested.

Respectfully submitted,

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